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**REMARKS**

As a general review, the instant invention relates to a fabric article treating device comprising an interior housing located inside of a fabric article drying appliance and an exterior housing located outside of the fabric article drying appliance. The interior housing and the exterior housing of the fabric article treating device are in communication with one another. The claims have been amended to more particularly describe Applicants' invention. Support for the amendments to the claims are found on page 4, lines 24 - 26, page 7, lines 11 - 18, and page 8, lines 22 - 26. Claims 10 and 22 are cancelled herewith without prejudice.

**35 U.S.C. § 102 Rejections**

Claims 1 - 4, 6 - 12, and 14 - 22 are rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,980,583 issued to Staub et al. (hereinafter "Staub et al.") for the reasons of record stated on pages 2 and 3 of the Office Action. These rejections as far as they apply to Claims 10 and 22 are now moot as these two claims have been cancelled herewith without prejudice.

Applicants respectfully traverse this rejection. Staub et al. purports to relate to a method of manufacturing durable press garments by inserting garments into a tumbling apparatus in a manner to form a tunnel defined by the garments. An atomizer unit positioned on the exterior of the tumbling apparatus discharges a durable press resin through a hole in the door of the tumbling apparatus. [see Staub et al. column 2, lines 40 - 45, and column 5, lines 12 - 16 and reference numeral 50 in Figure 1]. A main chemical storage tank is attached to the top of the modified dryer. [see Staub et al. column 5, lines 54 - 60 and reference numeral 60 in Figures 1 and 2]. A pipe which is attached to the main chemical storage tank runs to a separate mix/measure chemical storage tank. [see Staub et al. column 5, lines 57 - 63 and reference numeral 64 in Figure 1]. The mix/measure chemical storage tank is connected via tubing to the separate atomizer unit. [see Staub et al. column 6, lines 5 - 8 and reference numeral 70 in Figure 1].

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Staub et al. does not disclose either expressly or inherently Applicants' claimed fabric article treating device. The fabric article treating device of the instant claims as amended is a portable apparatus that is comprised of *inter alia* an interior housing wherein the interior housing of the portable apparatus is placed into the inside of a drying appliance whereby it can be releasably attached to the inside of the drying appliance. The portable apparatus of the instant claims also includes a single exterior housing which can be placed outside of a drying appliance. The interior housing and the exterior housing of the portable apparatus are in communication with one another.

Page 2 of the Office Action, indicates that reference numeral 14 (tumbling drum) of Staub et al., is an interior housing. Applicants wish to point out that the tumbling drum of Staub et al. would not be considered "an interior housing of Applicants' fabric article treating device". Though the interior housing of the fabric article treating device of the present invention is located inside of a fabric article drying appliance (such as a tumble dryer), it is independent of/not part of the dryer drum. Hence, the drying drum of Staub et al. would not be considered an "interior housing of a fabric article treating device" as claimed by Applicants.

Furthermore, page 3 of the Office Action, indicates that reference numerals 64 (reservoir) and 50 (atomizer unit) of Staub et al. are "sensitive components". Applicants do not see any teaching within Staub et al. that either expressly or impliedly suggests that these are sensitive components.

Additionally, page 3 of the Office Action indicates that reference numerals 72 ("manual control ball valve for controlling the flow of chemical between the main chemical storage tank and mix/measure chemical tank") and 74 ("second manual control valve" for controlling the flow of chemical between the mix/measure chemical tank and the atomizer unit") of Staub et al. are used to communicate with a user. Applicants do not see any teaching within Staub et al. which supports that assertion. Furthermore, as reference numerals 72 and 74 of Staub et al. all refer to areas on the exterior of the Staub et al. tumbling apparatus, this would not teach or suggest communication between "an interior housing and an exterior housing of a portable apparatus" as claimed by Applicants.

Yet further, Page 3 of the Office Action indicates that column 6, lines 17 - 22 of Staub et al., represent "interior/exterior electrical communication", that column 6, lines 52 - 63 of Staub et al. represent "interior/exterior compositional transfer communication", that column 4, lines 29 - 38 of Staub et al. represent "interior/exterior thermal communication", that column 3, lines 30 - 35 of Staub et al. represent "gravitational counter balance", column 4, lines 34 - 35 of Staub et al. represent "mechanical or electrical activation", column 4, line 36 of Staub et al. represents "sensors", and that column 4, lines 1 - 28 represent "substantial independent treating device operation". Applicants respectfully disagree with these assertions for the reasons described above (i.e.; all of these relate to the tumbling drum of Staub et al. and as indicated above the tumbling drum of Staub et al. would not be considered "an interior housing of Applicants' fabric article treating device" as Applicants' claimed interior housing is part of a portable fabric article treating device which is independent of/not part of the dryer drum). Hence, as indicated above, the drying drum of Staub et al. would not be considered an "interior housing of a fabric article treating device" as claimed by Applicants.

Page 4 of the Office Action the Examiner asserts that column 5, line 35 of Staub et al. discloses "sensitive components". Referring to column 5, line 35, of Staub et al., Applicants see no disclosure or suggestion of "sensitive components" (column 5, lines 34 - 36 of Staub et al. indicates the following "*This high pressure-low pressure flow pattern is believed to result in improved wetting by removing the air trapped in the garment and replacing it with chemical*").

Additionally, page 5 of the Office Action indicates that "*the argued wrinkle releaser and*

*heat sensors are also addressed in the rejection above, in as much as addressed in the claims".*

Applicants do not understand this assertion and request clarity, as Applicants do not see where the July 19, 2005 Office Action addresses either wrinkle releaser or heat sensors previous to page 5 of the Office Action. Applicants see no teaching within Staub et al. which discloses or teaches a "wrinkle releaser" or "heat sensors". Applicants respectfully request the Examiner to point to the specific disclosure in Staub et al. which discloses a wrinkle releaser. Additionally, Applicants respectfully request the Examiner to point to the specific disclosure in Staub et al. which discloses heat sensors.

Hence, as Staub et al. does not anticipate Claims 1 - 4, 6 - 9, 11 - 13, 14 - 21, or 23 of the present invention, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### 35 U.S.C. § 103 Rejections

Claims 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. as applied to Claim 1 and further in view of U.S. Patent No. 4,891,890 issued to Church for the reasons of record stated at pages 3 of the Office Action. Claims 13 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. as applied to Claim 1 and further in view of U.S. Patent No. 6,473,563 issued to Pletcher et al. (hereinafter "Pletcher et al.") for the reasons of record stated on page 4 of the Office Action. Applicants respectfully traverse these rejections.

"In order to establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (emphasis added)." M.P.E.P. §2142 citing *In re Vacek*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

"The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. §2142 citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

The Office Action does not meet the initial burden of showing that the prior art either expressly or impliedly suggests the claimed invention as required by M.P.E.P. §2142. With regard to the obviousness rejection of Claim 5 over Staub et al. in view of Church, the Church reference purports to relate to a sprayer device attached to the inside of a tumble dryer for spraying fluid in the tumble dryer. [See Church, column 2, lines 53 - 62]. Neither Staub et al., Church, or Staub et al. in view of Church teach or suggest a fabric article treating device having an interior housing located inside of a fabric article drying appliance and an exterior housing located outside of a fabric article

drying appliance wherein the interior housing of the fabric article treating device is in communication with the exterior housing of the fabric article treating device as claimed by Applicants.

Hence, as Staub et al. in view of Church does not teach or suggest all the claim limitations nor does the combination of these references provide any teaching or suggestion to make the invention of Claim 5, the obviousness rejection of this claim cannot stand. Applicants respectfully request reconsideration and withdrawal of this rejection.

With regard to the obviousness rejection of Claims 13 and 23 over Staub et al., in view of Pletcher et al., the Pletcher et al. reference purports to relate to a method and apparatus for inducing electric charge onto home care formulations. The Office Action on the bottom of page 4 and the top of page 5 states that Pletcher is "another fabric article treating device". Applicants respectfully disagree with this. Pletcher does not teach or suggest either expressly or impliedly a fabric article treating device. Hence, there is no motivation or suggestion upon which to combine the teachings of Staub et al. with the teachings of Pletcher. Hence, as Staub et al. in view of Pletcher et al., does not teach or suggest all the claim limitations nor does the combination of these references provide any teaching, suggestion, or motivation to make the invention of Claims 13 and 23 of Applicants' instant application, the rejection of Claims 13 and 23 cannot stand. Applicants respectfully request reconsideration and withdrawal of this rejection.

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**SUMMARY**

This is an RCE which is responsive to the final Office Action dated July 19, 2005. Applicants hereby petition for a one month extension of time to respond to this Action. Please charge any fees associated with this response to Deposit Account No.: 16-2480. As the rejections under 35 U.S.C. §102 and §103 have been overcome, Applicants respectfully request these rejections be withdrawn and the claims allowed.

Respectfully submitted,  
FOR: HEILMAN ET AL.;

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